

REMARKS

I. Status of the Claims

Claims 1-52 were pending prior to the current amendment.

All of claims 1-52 were rejected by the Examiner in the Final Office Action.

Claims 1, 14, 26, 39 and 52 have been amended. No new matter has been added.

II. Response to Arguments:

The Examiner has argued that the Murphy reference (U.S. 6,282,362 B1) discloses “the hashing of combined expression of content and location” (see rejection, page 2, section 1). Multiple citations have been identified. Applicants have reviewed the reference and believe that these citations discuss the general use of ciphering and encryption, or alternatively, separately discuss the use of time or place as part of an encryption. Applicants have found no recitation or implication of “computing a hash value on a combined expression of the multimedia content, said location-based authentication data and identification data including at least one of user identification data and device identification data” now recited in the independent claims, as amended. As a result, Applicant’s believe that the Examiner’s argument is now moot, and that the Murphy reference does not anticipate at least the independent claims, as amended.

III. Rejections Under 35 U.S.C. §102(a):

Claims 1-9, 13-19, 22-36, 39-49, 52 stand been rejected under 35 U.S.C. § 102(a) as being anticipated by U.S. 6,282,362 B1 to Murphy (hereafter, “Murphy”). More specifically, the Examiner continues to contend that the Murphy reference anticipates each and every limitation of the aforementioned claims.

Applicants continue to respectfully dispute the Examiner’s contention that Murphy anticipates each and every limitation of claims 1-9, 13-20, 22-26, 39-42, 52. Initially, Applicants assert that clear distinctions exist between the present invention and the Murphy reference in the original dependant claims still pending herein. While Murphy is a system for

associating location information with recorded media, it does not recite or imply the use of long-range wireless networks, such as a mobile phone network (e.g., claim 7), or short-range wireless networks, such as BluetoothTM (e.g., claim 5) or WLAN (e.g., claim 6), in obtaining positional information. Murphy, as relied-upon by the Examiner, only appears to utilize satellite based location systems customarily associated with the National Global Positioning System (see, for example, Murphy column 14, line 54 to column 15, line 7, which was cited by the Examiner to reject claims 4-7, and column 19, lines 33-48). Applicants can find no recitation or implication of the requirements recited in at least claims 4-7, and therefore, it does not appear that each and every limitation of at least claims 4-7 is anticipated.

Further, claim 26 describes an embodiment of the present invention wherein a server receives at least multimedia content and location-based authentication information through a network, which is used in an encryption algorithm to create a multimedia content identity key. The Examiner relies upon column 15, lines 47-56 of Murphy, wherein system 300 is described. Despite the fact that FIG. 2 includes two items labeled 300, it appears that the relevant item 300 is an image recording device, and not a server which receives multimedia content and location-based authentication data through a network as recited in claim 26. As a result, Applicants respectfully contend that claim 26 is not anticipated by Murphy.

Applicants have further amended independent claims 1, 14, 26, 39 and 52 in order to expedite prosecution in the current application. The amendment to the aforementioned claims further clarifies the present invention, as previously discussed, by reciting that location may be established by information provided by a long-range cellular network or short-range wireless communication medium (e.g., BluetoothTM). Further, the amendment recites that the hashing also includes at least one of user and device identification data. Support may be found on page 4, lines 16-17 of the specification, and in claims 11 and 12, wherein IMEI and IMSI are recited.

In view of the above, Applicants respectfully assert that independent claims 1, 14, 26, 39 and 52, as amended, are distinguishable over Murphy. The balance of the aforementioned claims are also distinguishable in view of the arguments presented above, or alternatively, due to their dependence on claims 1, 14, 26, 39 and 52.

IV. Rejections Under 35 U.S.C. §103(a):

Claims 10, 11, 20, 21, 37, 38, 50 and 51 stand been rejected under 35 U.S.C. § 103(a) as being unpatentable over Murphy in view of U.S. Patent Publication 2002/0080968 A1 to Olsson (hereafter, "Olsson"). More specifically, the Examiner asserts that the aforementioned claims are obvious in view of the combined Murphy and Olsson references.

Olsson is a system for providing location based service from a third party service provider which encrypts the client's identification information to protect the client's anonymity. The Examiner has relied upon Olsson to make obvious the claimed requirements of the present invention for device identification via an IMEI and IMSI number (see, for example, claims 10 and 11). Olsson recites general applications of identification of devices via IMSI, however, the motivation for combining the Olsson system with Murphy in order to arrive at the present invention is unclear. The Examiner claims, "in order to have an standard data as taught in Olsson see Par. 0023." The section cited by the Examiner discloses general layout information for the Olsson system, wherein Applicants cannot determine any motivation for the combination.

Therefore, in addition to at least the arguments cited above with respect to the 35 U.S.C. § 102(e) rejection, the obviousness rejection combining the teachings of Olsson and Murphy is also deficient due to a lack of adequate motivation to combine these two references.

CONCLUSION

Based on the foregoing remarks, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims and allowance of the application.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 13-4500, Order No. 4208-4038. A DUPLICATE OF THIS SHEET IS ATTACHED.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4500, Order No. 4208-4038. A DUPLICATE OF THIS SHEET IS ATTACHED.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: September 6, 2006

By: _____

Elliot L. Frank

Registration No. 56,641

(202) 857-7887 Telephone

(202) 857-7929 Facsimile

Correspondence Address:

MORGAN & FINNEGAN, L.L.P.
3 World Financial Center
New York, NY 10281-2101